

**JONATHAN B. YOUNG, ESQUIRE**  
**Attorney I.D. #63885**  
**Dischell, Bartle, Yanoff & Dooley**  
**1800 Pennbrook Parkway**  
**Suite 200**  
**Lansdale, PA 19446**

**Attorney for Defendant,**  
**Reginald A. Roberts**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>DAVID T. COOPER, et al</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Civil Action No. 08-CV-346</b>
<b>v.</b>	:	
	:	
<b>REGINALD A. ROBERTS, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

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**DEFENDANT REGINALD A. ROBERTS' AMENDED ANSWER  
and AFFIRMATIVE DEFENSES TO FIRST AMENDED COMPLAINT**

Defendant, Reginald A. Roberts, Montgomery County Detective hereby responds to the allegations set forth in Plaintiffs' Amended Complaint as follows:

1. Paragraph 1 of Plaintiffs' Amended Complaint is set forth as a recitation of the "Procedural History". Defendant, Reginald A. Roberts, denies all allegations by the Plaintiffs as to any knowing, intention and/or willful violation of the Plaintiffs, David Cooper's or Esther Saunders' constitutional rights. Strict proof same is demanded at time of trial.

2. Paragraph 2 of Plaintiffs; Amended Complaint is entitled "Statement of Claim". Defendant, Reginald A. Roberts hereby denies any and all allegations set forth in said claim including any and all claims for false arrest, violation of Plaintiffs' constitutional or civil rights

under the United States Constitution and also denies any claims of wrongful forfeiture of the proceeds from drug sales as alleged by Plaintiffs.

3. Paragraph 3 of Plaintiffs' Amended Complaint is entitled "Relief". These are conclusions of law to which no response is required. By way of further response, Defendant, Reginald A. Roberts hereby seeks judgment in his favor and a denial of Plaintiffs' claim.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs have failed to claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs identify Defendant Reginald A. Roberts as a Montgomery County Detective. Therefore, this Defendant as an employee of a local government entity which is a political subdivision of the Commonwealth of Pennsylvania is entitled to local government immunity as per the dictates of Pennsylvania law. See Pennsylvania Subdivision Tort Claims Act, 42 Pa. C.S. §§8541-9564. Any and all state law based allegations in Plaintiffs' Amended Complaint are estopped by applicable immunity provisions of Pennsylvania Law.

#### **THIRD AFFIRMATIVE DEFENSE**

#### **CROSSCLAIM**

Although this Answering Defendant denies Plaintiffs' claims of liability against any Defendant, to the extent that any parties found liable, Defendant Reginald A. Roberts claims the sole and independent liability of Defendants, the Pottstown Police Officers and/or the Pennsylvania Board of Probation and Parole Agents.

**FOURTH AFFIRMATIVE DEFENSE**

**CROSSCLAIM**

Although this Answering Defendant denies Plaintiffs' claims of liability against any Defendant, to the extent that this Answering Defendant is found liable, this Answering Defendant claims the joint liability of the Defendant Pottstown Police Officers and/or the Pennsylvania Board of Probation and Parole Agents.

**FIFTH AFFIRMATIVE DEFENSE**

**CROSSCLAIM**

Although this Answering Defendant denies Plaintiffs' claims of liability against any Defendant, to the extent that this Answering Defendant is found liable, he claims full indemnification from the Defendant Pottstown Police Officers and/or the Pennsylvania Board of Probation and Parole Agents.

**SIXTH AFFIRMATIVE DEFENSE**

At all times material hereto, this Answering Defendant, treated the Plaintiff, David T. Cooper, in an appropriate fashion given the circumstances. This Defendant's actions did not constitute a violation of Plaintiff David T. Cooper's constitutional rights. As such all claims of State and Federal constitutional violations should be dismissed.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff David T. Cooper's physical injuries, to the extent said injuries existed at the time of his arrest, are directly predicated on actions solely within Plaintiff's control. Plaintiff, David T. Cooper, engaged in illegal drug activities and was the subject of an arrest. Plaintiff thereafter physically resisted arrest and was subdued with a commensurate and appropriate means.

**EIGHTH AFFIRMATIVE DEFENSE**

With regard to any allegation of false arrest, this Defendant notes that the Plaintiff, David T. Cooper, entered a guilty plea to a charge of criminal conspiracy regarding his engaging in the manufacturing, delivering and/or possessing with the intent to manufacture or deliver illegal drugs. This guilty plea negates any and all allegations of false arrest on the part of any and/all Defendants.

RESPECTFULLY SUBMITTED,

DISCHELL, BARTLE, YANOFF & DOOLEY

BY: S/  
JONATHAN B. YOUNG, ESQUIRE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID T. COOPER,**

**Plaintiff,**

**V.**

**REGINALD A. ROBERTS, et al.,**

## Defendants.

**Civil Action No. 08-CV-346**

## CERTIFICATE OF SERVICE

I, Jonathan B. Young, Esquire, hereby certify that I have served a true and correct copy of Defendant, Reginald A. Roberts' Amended Answer and Affirmative Defenses to First Amended Complaint to the individual(s) listed below U.S. First Class Mail, postage pre-paid, to:

David T. Cooper (#DJ-7072)  
SCI-Huntingdon  
1100 Pike Street  
Huntingdon, PA 16654-1112

David P. Karamessinis, Esquire  
Francis R. Gartner & Associates  
1500 Market St., Ste. 2920  
Philadelphia, PA 19102

Kevin R. Bradford, Esquire  
Office of the Attorney General  
21 S. 12<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Philadelphia, PA 19107

DISCHELL, BARTLE, YANOFF &amp; DOOLEY

By: S/  
JONATHAN B. YOUNG, ESQUIRE

Date: 9/04/08

